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10/699,101	10/30/2003	Richard Postrel	700-166RPA	5428
24002	7590	11/27/2006	EXAMINER	
ANTHONY R. BARKUME 20 GATEWAY LANE MANORVILLE, NY 11949			LAstra, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,101

Applicant(s)

POSTREL, RICHARD

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/12/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-44, 47, 49-72, 75, 77-90 and 92-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-44, 47, 49-72, 75, 77-90 and 92-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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1. Claims 41-44, 47, 49-72, 75, 77-90 and 92-98 have been examined. Application 10/699,901 (SYSTEM AND METHOD FOR GENERATING DESTINATION SPECIFIC COUPONS FOR A TRAVELER) has a filing date 10/30/2003 is a continuation of 09658329 Which Claims Priority from Provisional Application 60153353 09/10/1999.

Response to Amendment

2. In response to Non Final Rejection filed 08/14/2006, the Applicant files an Amendment on 09/12/2006, which amended claims 41, 69 and added new claims 97 and 98.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41, 42, 49, 54-56, 59, 60, 65, 66, 69, 70, 77, 82-84, 87, 88, 93, 94, 97 and 98 are rejected under 35 U.S.C. 102(e) as being anticipated by De Lapa (US 5,822,735).

As per claim 41, De Lapa teaches:

A coupon generation and distribution system comprising:

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(a) a plurality of member computers interconnected to a computer network, each of said member computers associated with at least one of a plurality of members of the system (see figure 6) ; and

(b) a centrally located coupon server computer, interconnected to the computer network for selective communication with the plurality of member computers (see figure 7a, item 35), the coupon server computer comprising:

(i) a repository of coupon offers available for generation into coupons for dissemination to a plurality of users, each of said coupon offers supplied to the coupon server computer by a coupon offering entity and providing an incentive to purchase an item (see figure 7A, item 35);

(ii) means for storing a plurality of user profile data records (see col 10, lines 30-65), each of said user profile data records comprising user profile data comprising:

an identification of a user (see col 10, table 1), and

at least one geographic location associated with the user (see col 10, table 1 item "geo-code"; col 8, lines 53-60);

(iii) means for analyzing a user profile data record with respect to a plurality of coupon offers in the repository and for analyzing a coupon offer with respect to a plurality of user-profile data records (see col 3, lines 7-40), and for generating one or more coupons based on said analysis, wherein said coupon is limited to use by the user identified in the user profile data record for items at the geographic location associated with the user (see col 3, lines 7-65); and

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(iv) means for distributing said generated coupon *to the user for subsequent redemption* by the user when purchasing the item associated with the coupon *from the coupon offering entity* at the geographic location associated with the user (see col 8, line 32 – col 9, line 20) *whereby the coupon offering entity is provided with the identification of the user redeeming the coupon* (see De Lapa col 3, lines 10-40; col 5, lines 5-45; col 10, lines 7-20).

As per claim 42, De Lapa teaches:

The system of claim 41 wherein the user profile data is obtained from at least one member computer (see figure 4).

As per claim 49, De Lapa teaches:

The system of claim 41 wherein the means for distributing said generated coupon comprises means for transmitting said coupon to the user (see col 3, lines 10-40).

As per claim 54, De Lapa teaches:

The system of claim 41 wherein the means for distributing the generated coupon comprises means for printing the coupon and sending said printed coupon to the user (see col 3, lines 10-40).

As per claim 55, De Lapa teaches:

The system of claim 41 wherein the user profile data further comprises demographic information relating to the user (see col 8, lines 54-57).

As per claim 56, De Lapa teaches:

The system of claim 41 wherein the user profile data further comprises coupon requests provided by a user to the coupon server computer, and wherein the coupon requests are transmitted by the coupon server computer to a coupon offering entity for use in preparing subsequent coupon offers (see col 8, line 32 – col 9, line 20).

As per claim 59, De Lapa teaches:

The system of claim 41 wherein the coupon offers vary in accordance with the geographic location associated with the user (see col 8, lines 53-57).

As per claim 60, De Lapa teaches:

The system of claim 41 wherein the coupon offers comprise offer terms which are variable (see figure 2).

As per claim 65, De Lapa teaches:

The system of claim 41 wherein the coupon offering entity specifies user match parameters to the coupon server for use in generating coupons from the user profile and coupon offers (see col 8, lines 32 – col 9, line 20).

As per claim 66, De Lapa teaches:

The system of claim 41 wherein the coupon offers are modified by the coupon offering entity prior to generation of coupons by the coupon server (see col 3, lines 10-40).

As per claims 97 and 98, De Lapa teaches:

The method of claim 69 further comprising the step of providing the coupon offering entity the identification of a user for whom a coupon has been generated (see col 3, lines 10-40).

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Claims 69, 70, 77, 82-84, 87, 88, 93 and 94 are written as method claims but contain the same limitations as claims 41, 42, 49, 54-56, 59, 60, 62, 65 and 66 therefore, the same rejection is applied.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43, 44, 47, 71, 72 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa (US 5,822,735).

As per claim 43, De Lapa does not expressly teach:

The system of claim 41 wherein the computer network is the Internet. However, Official Notice is taken that it is old and well known in the computer art to connect a computer system via the Internet. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa computers would be connected to a central computer via the Internet as it is old and well known to do so.

As per claim 44, De Lapa fails to teach:

The system of claim 41 wherein the computer network is a wireless network. However, Official Notice is taken that it is old and well known in the computer art to connect computers using a wireless network connection. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that

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De Lapa would connect users' computers wirelessly to the Internet as this an old and well known method of doing so.

As per claim 47, De Lapa fails to teach:

The system of claim 41 wherein a member computer is an Internet-enabled computing device. However, Official Notice is taken that it is old and well known in the computer art to connect computer systems via the Internet. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa computers would be connected to a central computer via the Internet as it is old and well known to do so.

Claims 71, 72, 75 are written as method claims but contain the same limitations as claims 43, 44 and 47 therefore, the same rejection is applied.

5. Claims 50-53, 62, 78-81 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa (US 5,822,735) in view of Begum (US 5,420,606).

As per claim 50, De Lapa fails to teach:

The system of claim 49 wherein the means for transmitting said coupon to the user comprises, means for electronically transmitting said coupon to a member computer. However, Begum teaches transmitting electronic coupons to consumers (see Begum abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would transmit electronic coupons to users, as taught by Begum in order that said users avoid carrying a paper version of said coupons.

As per claims 51 and 79, De Lapa fails to teach:

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The system of claim 50 teaches wherein the means, for electronically transmitting said coupon to a member computer comprises means for sending an email message to a member computer said email message comprising said coupon in a format suitable for printing at a printer associated with the member computer. However, Begum teaches transmitting electronic coupons to consumers (see Begum abstract) and Official Notice is taken that it is old and well known in the computer art to send and print email messages received via the Internet. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa and Begum would transmit emails promotions to users that are connected to his network as it is old and well known to do so.

As per claim 52, De Lapa fails to teach:

The system of claim 41 wherein the means for distributing said generated coupon comprises means for transmitting said coupon to a member computer associated with a merchant that will honor the generated coupon. However, Begum teaches transmitting electronic coupons to consumers (see Begum abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would transmit electronic coupons to users, as taught by Begum in order that said users avoid carrying a paper version of said coupons.

As per claim 53, De Lapa teaches:

The system of claim 52 wherein the user specified by the coupon is provided with the incentive specified by the coupon during a transaction with the merchant (see figure 2).

As per claim 62, De Lapa fails to teach:

The system of claim 41 wherein a member computer further comprises display means for displaying coupon data to the user, and wherein images of the coupons generated by the coupon server are transmitted to the member computer and displayed to a user via the display means. However, Begum teaches transmitting electronic coupons to consumers (see Begum abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would transmit electronic coupons to consumers in order that said consumers avoid the use of the paper version of said coupon.

Claims 78, 80-81 and 90 are written as method claims but contain the same limitations as claims 50, 52-53 and 62 therefore, the same rejection is applied.

6. Claims 57, 58, 64, 67, 68, 85, 86, 92, 95 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa (US 5,822,735) in view of Tagawa (US 5,732,398).

As per claims 57 and 85, De Lapa fails to teach:

The system of claim 41 wherein the user profile data further comprises flight information regarding an airline flight to be taken by a user, and wherein said flight information is utilized by the coupon server computer to generate the coupon. However, Tagawa teaches a system that targets promotions to users based upon said users'

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travel information (see Tagawa column 15, lines 25-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would use the users' travel information, as taught by Tagawa in order to better target promotions to users based upon said users' travel geographic location.

As per claims 58 and 86, De Lapa fails to teach:

The system of claim 41 but fails to teach wherein the user profile data further comprises travel itinerary information of a user and wherein said travel itinerary information is utilized by the coupon server computer to generate the coupon. However, Tagawa teaches a system that targets promotions to users based upon said users' travel information (see Tagawa column 15, lines 25-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would use the users' travel information, as taught by Tagawa in order to better target promotions to users based upon said users' travel geographic location.

As per claims 64 and 92, De Lapa teaches:

The system of claim 41 wherein the members are selected from the group consisting of a coupon offering company, a user (see col 10, lines 45-65) but does not expressly teach that the members are selected from a travel agent, an airline, and a cruise line. However, Tagawa teaches a system which target promotions to users based upon travelers' information (see Tagawa column 15, lines 25-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was

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made, to know that De Lapa would use the users' travel information, as taught by Tagawa in order to better target promotions to users based upon said travel geographic data.

As per claims 67 and 95, De Lapa fails to teach:

The system of claim 41 wherein the user profile further comprises information on a mode of travel by the user to the associated geographic location wherein the coupons generated by the coupon server relate to the mode of travel by the user. However, Tagawa teaches a system which target promotions to users based upon travelers' information (see Tagawa column 15, lines 25-50). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would use the users' travel information, as taught by Tagawa in order to better target promotions to users based upon said travel geographic data.

As per claims 68 and 96, De Lapa fails to teach:

The system of claim 41 wherein the user profile further comprises information on dates of travel by the user to the associated geographic location, and wherein the coupons generated by the coupon server are valid only during the dates of travel by the user. However, Tagawa teaches providing travelers with vouchers that are valid for certain date of travel (see Tagawa figure 15a "valid until 1/31/96"). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would use the users' travel information, as taught by Tagawa in order to better target promotions to users based upon said travel geographic data.

7. Claims 61 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa (US 5,822,735) in view of Barnett (US 6,321,208).

As per claims 61 and 89, De Lapa fails to teach:

The system of claim 60 wherein the offer terms vary in accordance with the frequency of redemption of said offers. However, Barnett teaches a system that varies the coupons' term offers that are downloaded to users' computers based upon the frequency of redemption of said offers (see Barnett column 13, lines 25-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that De Lapa would target offers to users based upon said users' redemption profile, as taught by Barnett. De Lapa would be motivated to vary the coupons' term offers based upon said coupons previous redemption profile in order to provide bigger incentives to users of a competitive brand.

8. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa (US 5,822,735) in view of Begum (US 5,420,606) and further in view of Barnett (US 6,321,208).

As per claim 63, De Lapa fails to teach:

The system of claim 62 wherein the user inputs, via the member computer input means, selections of said displayed coupon images, and wherein said coupon server generates a subset of said plurality of coupons based on the coupon image selections made by the member. However, Barnett teaches a system that allows users to select a subset of coupons' offers (see Barnett column 9, lines 59-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was

made, to know that De Lapa would allow users to select a subset of coupons' offers and print said offers in said users' computers, as taught by Barnett. De Lapa would be motivated to allow users to select a subset of offers in order to allow users to store said offers for further processing.

Response to Arguments

9. Applicant's arguments filed 09/12/2006 with respect to claims 41-44, 47, 49-72, 75, 77-90 and 92-98 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
November 18, 2006

Yehdega Retta
RETTA YEHDEGA
PRIMARY EXAMINER